

Ministry of Education and Science of Ukraine
Yaroslav Mudryi National Law University
Department of Civil Justice and Advocacy

S I L L A B U S
of academic discipline

"International Civil Procedure and Commercial Arbitration"

Level of higher education - second (master's) level

Degree of higher education - master's degree

Field of knowledge - 29 "International relations"

Speciality - 293 "International Law"

Discipline status - optional

Year of admission - 2022

Syllabus of the academic discipline "International Civil Procedure and Commercial Arbitration" for applicants of the second (master's) level of higher education in the field of knowledge 29 "International Relations", speciality 293 "International Law".
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Approved at the meeting of the Department of Civil Justice and Advocacy
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Data about the lecturer

Name of the discipline	International civil procedure and commercial arbitration
Status of the discipline	optional
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Description of the discipline

The development of international private relations between countries is an unconditional indicator of a democratic society. Therefore, the discipline "International Civil Procedure and Commercial Arbitration" is devoted to an in-depth study of topical issues of the theory and practice of applying procedural institutions related to the consideration by national courts of disputes with a foreign element. While studying the discipline, students will learn about national and international sources of regulation of relations in the field of international civil procedure, current issues of modern international civil procedure, etc.

International commercial arbitration is a separate type of dispute resolution method with a foreign element. The emergence of disputes between participants in international business activities that fall within the scope of application of private international law is inevitable in principle. Unlike national business, international business develops in a very wide, unstable and sometimes unpredictable space. Therefore, the emergence of contradictions and disputes between business entities from different countries may occur even in cases where the parties sincerely and consistently strive to fulfill their contractual obligations.

As practice shows, there is no universally recognized law on international commercial disputes, no special international court, and no other international

procedure for international business disputes.

Under these conditions, a special mechanism for resolving international business disputes, called international commercial arbitration, has developed within the regulatory framework of private international law.

Purpose and objectives of the discipline

The purpose of the discipline is to form an integral system of professional knowledge, skills and other competencies of higher education students in the field of legal regulation of the procedure for consideration of foreign economic disputes in international commercial arbitration and the procedure for the administration of justice in civil cases with a foreign element.

Objectives:

- receiving the theoretical knowledge of the procedure for consideration of foreign economic disputes by an international commercial arbitration;
- identification of current issues in the development of legal regulation of both international civil procedure and international commercial arbitration;
- familiarization with the judicial and arbitration practice of international bodies that consider foreign economic disputes and the peculiarities of the recognition and enforcement of foreign court judgements and international commercial arbitration awards;
- development of skills and abilities to apply unified sources on the procedure for dispute resolution in international commercial arbitration and conventional regulation of international civil procedure;
- deepening of theoretical knowledge and development of practical skills in functional diagnostics of foreign economic disputes in international commercial arbitration.

Academic discipline in the structure of the educational and professional program. Interdisciplinary connections

Prerequisites: "Tax law", "European Union law and its system", "Actual problems of scientific research methodology".

Co-requisites: "European Private International Law", "International Contract Law", "WTO Law".

Post-requisites: "International Intellectual Property Law", "EU Corporate Law and Governance", "Notary and Notarial Actions of Consular Offices".

Expected learning outcomes of a higher education student

As a result of learning of the discipline, a student must demonstrate the following training outcomes:

LO 1. Demonstrate knowledge of the specifics of the subject matter, special principles, sources of international civil procedure and international commercial arbitration, their system and structure.

LO 2. To critically analyze judicial and arbitration practice in cases related to the resolution of civil cross-border disputes on the interpretation and application of international legal norms in the relevant field.

LO 3. Carry out a logical, critical and systematic analysis of international legal acts relating to the procedure for consideration of disputes by national courts with the participation of a foreign element.

LO 4. To demonstrate knowledge of the basic categories of international civil procedure, its main institutions, to characterize the current situation and directions of further development of international legal regulation in the context of European integration processes.

LO 5. Demonstrate knowledge of the methodological aspects of the interaction between the science of international civil procedural law and the enforcement practice of national courts in the consideration of civil cases with a foreign element and the resolution of certain procedural issues.

LO 6. Characterize the peculiarities of conflict of laws regulation of certain procedural issues in civil cases with a foreign element.

LO 7. Possess the ability to make decisions and perform legal actions in the field of international commercial arbitration in strict accordance with the law.

LO 8. Possess the ability to apply legislation regulation and implement the rules governing international commercial arbitration in professional activities.

LO 9. Possess the ability to legally correctly qualify facts and circumstances in the field of international commercial arbitration.

LO 10. Possess the ability to respect the honor and dignity of a person, to observe and protect human and civil rights and freedoms.

LO 11. Carry out a critical analysis of the prevention of violations of the legislation in the field of international commercial arbitration, identify and eliminate the causes and conditions that contribute to their commission.

LO 12. Demonstrate knowledge of international legal norms in the field of regulation of various institutions of international commercial arbitration.

**Types of classes and independent work
for full-time higher education students**

No. p/n	Auditory classes (contact)		Independent work (in hours)
	Lecture topics	Topics of practical classes	
1	Theoretical foundations of international civil procedure	Theoretical foundations of international civil procedure.	8
2	International civil procedural jurisdiction.	International civil procedural jurisdiction.	8
3	Participants in international civil procedure.	Participants in international civil procedure.	8
4	Peculiarities of law enforcement in international civil procedure.	Peculiarities of law enforcement in international civil procedure.	8
5	Recognition and enforcement of a foreign court judgment.	Recognition and enforcement of a foreign court judgment.	8
6	Legal assistance in	Legal assistance in	8

	international civil procedure.	international civil procedure.	
7	The concept and legal nature of international commercial arbitration.	The concept and legal nature of international commercial arbitration.	8
8	Legal regulation of international commercial arbitration.	Legal regulation of international commercial arbitration.	8
9	Arbitration agreement. Determination of the competence of international commercial arbitration.	Arbitration agreement. Determination of the competence of international commercial arbitration.	8
10	Composition of the arbitral tribunal. Arbiters.	Composition of the arbitral tribunal. Arbiters.	2
11	The arbitral award, its significance. Recognition of foreign arbitral awards as a condition for its enforcement.	The arbitral award, its significance. Recognition of foreign arbitral awards as a condition for its enforcement.	8

**Types of classes and independent work
for part-time higher education students**

No. p/n	Lecture topics	Topics of practical classes	Independent work (in hours)
1	Theoretical foundations of international civil procedure.	Theoretical foundations of international civil procedure.	110
2	The concept and legal nature of international commercial arbitration.	The concept and legal nature of international commercial arbitration.	
3	The award of the arbitral tribunal, its significance. Recognition of foreign arbitral awards as a condition for its enforcement.	-	

Independent work of students

Students' independent work is carried out in the following forms:

- written homework;
- mastering theoretical material on the topics of practical classes;
- revision of lecture materials;
- work in information networks;

- studying additional literature;
- case study development;
- essays on specialized issues;
- creating a training course portfolio and presenting it;
- writing abstracts and reports and presenting them;
- preparation and publication of scientific articles and abstracts;
- participation in student research and practice conferences;
- compiling a bibliography on the relevant topic;
- generalization of court practice;
- commenting on sources of international law, as well as national law of Ukraine and foreign countries;
- other forms of work.

Tasks and methodological recommendations for independent work are provided in the Methodological Materials for the discipline "International Civil Procedure and Commercial Arbitration" for students of the second (master's) level of higher education in the field of knowledge 29 "International Relations", specialty 293 "International Law".

Educational, methodological and information support of the discipline

Normative and legal acts

1. Arbitration Rules of the United Nations Economic Commission for Europe. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/995_337;
2. Rules of Arbitration of the International Court of Arbitration at the International Chamber of Commerce. URL: <http://www.nkau.gov.ua/NSAU/pravonsau.nsf/9f8cead0b3bf2b88c3256a910055a85c/c53b2bb37fbaee60c2256cf7002386a3!OpenDocument>;

3. UNCITRAL Arbitration Rules. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/995_059.

4. Vienna Convention on the Law of Treaties. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995_118#Text.

5. Commercial Code of Ukraine. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/436-15>;

6. Commercial Procedure Code of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/1798-12>;

7. Declaration of State Sovereignty of Ukraine". Official website of the Verkhovna Rada of Ukraine URL: <https://zakon.rada.gov.ua/laws/show/55-12#Text>.

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13. Treaty between Ukraine and the Republic of Georgia on Legal Assistance and Legal Relations in Civil and Criminal Matters of 09.01.1995. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/268_542

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15. Treaty between Ukraine and the Republic of Moldova on Legal Assistance and Legal Relations in Civil and Criminal Matters of 13.12.1993 Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/498_604.

16. Treaty between Ukraine and the Republic of Poland on Legal Assistance and Legal Relations in Civil and Criminal Matters of 24.05.1993. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/616_174.

17. Treaty between Ukraine and the Republic of Uzbekistan on Legal Assistance and Legal Relations in Civil and Family Matters of 19.02.1998. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/860_013.

18. Treaty between Ukraine and Romania on Legal Assistance and Legal Relations in Civil Matters of 30.01.2002. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon3.rada.gov.ua/laws/show/642_029.

19. Treaty between Ukraine and the Czech Republic on Legal Assistance and Legal Relations in Civil Matters of 28.05.2001. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon3.rada.gov.ua/laws/show/203_018

20. Treaty between Ukraine and the Islamic Republic of Iran on Legal Relations and Legal Assistance in Civil and Criminal Matters of 11.05.2004 Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/364_026

21. Treaty between Ukraine and the Democratic People's Republic of Korea on Legal Assistance in Civil and Criminal Matters of 13.10.2003. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/408_012.

22. Treaty between Ukraine and the Republic of Bulgaria on Legal Assistance in Civil Matters of 21.05.2004. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/100_056.

23. Treaty between Ukraine and the Republic of Macedonia on Legal Assistance in Civil Matters of 10.04.2000. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon3.rada.gov.ua/laws/show/807_010.

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26. European Convention on the Introduction of a Uniform Law on Arbitration Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/994_679?nreg=994_679&find=1&text=%E0%F0%E1%E8%F2%F0%E0%E6%ED+%F2%F0%E8%E1%F3%ED%E0%EB&x=8&y=5#w22.

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31. The Law of Ukraine "On International Commercial Arbitration". Official website of the Verkhovna Rada of Ukraine. URL: <http://zakon4.rada.gov.ua/laws/show/4002-12>;

32. Law of Ukraine "On International Treaties of Ukraine". Official website of the Verkhovna Rada of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/1906-15>.

33. Law of Ukraine "On Arbitration Courts". Official website of the Verkhovna Rada of Ukraine. URL: <http://zakon3.rada.gov.ua/laws/show/1701-15>;

34. Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters 1994. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/997_009#Text

35. Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/995_070.

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website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/998_570#Text.

38. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. The Hague Conference on MLP; Convention, International Document of 15.11.1965. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995_890.

39. Convention for the Protection of Human Rights and Fundamental Freedoms. Council of Europe; Convention, International Document of 04.11.1950. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995_004

40. Convention on the Taking of Evidence Abroad in Civil or Commercial Matters. Convention, International document of 18.03.1970. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995_922.

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46. On the execution of judgments and application of the European Court of Human Rights practice. Official website of the Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/3477-15#Text>.
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48. Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry. Official website of the Verkhovna Rada of Ukraine. URL: <http://arb.ucci.org.ua/icac/ru/rules.html>.
49. UNCITRAL Model Law on International Commercial Arbitration. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/995_879.
50. Agreement between Ukraine and the Hellenic Republic on Legal Assistance in Civil Matters of 02.07.2002. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/300_013.
51. Agreement between Ukraine and the Republic of Cyprus on Legal Assistance in Civil Matters of 06.09.2004. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/196_008.
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53. Agreement on the Procedure for the Settlement of Disputes Related to the Conduct of Economic Activity 1992. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/997_076#Text.

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58. European Convention providing a Uniform Law on Arbitration. URL: <http://www.conventions.coe.int/treaty/en/Treaties/Html/056.htm>.
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Internet resources:

Council of Europe website - <http://www.coe.kiev.ua>

EU Project "Support to Justice Sector Reforms" - <http://www.justicereformukraine.eu/uk/>

Official web portal of the Verkhovna Rada of Ukraine - <http://rada.gov.ua/>

Official web portal of the President of Ukraine - <http://www.president.gov.ua>

Official web portal of the Cabinet of Ministers of Ukraine - <http://www.kmu.gov.ua>

The official web portal of the Supreme Court is https://supreme.court.gov.ua/supreme/gromadyanam/perelik_sprav/

Official web portal of the Constitutional Court of Ukraine - <https://ccu.gov.ua/>

Official web portal of the Ministry of Justice of Ukraine - <https://minjust.gov.ua/>

Arbitration Institute of the Stockholm Chamber of Commerce (www.sccinstitute.com)

Website of the International Court of Arbitration of the International Chamber of Commerce (www.iccarbitration.org);

Website of the London Court of International Arbitration (www.lcia.org);

Website of the Center for Arbitration and Mediation of the Swiss Chambers of Commerce

(www.swissarbitration.org);

International Handbook on Commercial Arbitration (www.kluwarbitration.com);

Website of the International Bar Association IBA (www.ibanet.org);

SEEMC

Standardized electronic educational and methodological complex of the Department of Civil Justice and Advocacy. URL: <https://library.nlu.edu.ua/senmk/item/154-tsyvilnyi-protses.html>

Lecturer requirements

Higher education students *must*: regularly attend lectures and practical classes; systematically and actively work on them; provide convincing arguments when solving problems; perform written assignments, tests and independent work, etc. Practical classes missed for valid reasons may be made up by prior agreement with the lecturer.

Higher education applicants are *encouraged to* participate in scientific conferences, competitions of scientific papers, the work of the department's scientific circle, moot-courts, prepare abstracts of scientific reports, etc.

A mandatory requirement is that higher education applicants comply with the Code of Academic Ethics of the Yaroslav Mudryi National Law University (https://nlu.edu.ua/files/norm_doc/kodeks_academichnoyi_etyky.pdf).

During classes, you may use gadgets for educational purposes only (e.g., to view lecture presentations). Laptops and tablets may be used to take notes and keep track of information.

Assessment measures

Evaluation of the results of mastering the discipline "International Civil Procedure and Commercial Arbitration" involves current and final control and is based on a cumulative point-rating system.

Current knowledge assessment includes:

- control of the quality of students' learning of the program material of the discipline in practical classes using the following means: oral, written or express survey, solving practical problems or tasks, participation in the development of a case, defense of an essay or abstract on the initiative of the student. The current

assessment is aimed at checking the level of training of the applicant in the study of the current material. During the practical training, the applicant can receive a grade on a four-point scale (0, 3, 4, 5);

- quality control of students' mastery of the program material of the discipline, which is carried out at the end of the modules in the form of colloquia, quizzes, testing, etc.

During the semester, students complete assignments for independent work (preparation of a presentation, essay, abstract, etc.).

The maximum number of points for students' independent work is 20 points. The form of *final assessment* of knowledge of higher education students in the discipline is a test. The minimum number of points to receive a test is 60.

Scale of final pedagogical assessment:

Assessment on the ECTS scale	Definition.	Assessment on the national scale for credit	Assessment on a 100-point scale used in NSW
A	Excellent - excellent performance, with only a few errors	Enrolled	90 - 100
B	Very good - above average with a few errors		80 - 89
C	Good - generally correct work with a number of minor errors		75 - 79
D	Satisfactory - not bad, but with a significant number of shortcomings		70 - 74
E	Sufficient - performance meets the minimum criteria		60 - 69
FX	Unsatisfactory - you need to work on it before retaking it	not enrolled	35 - 59
F	Unsatisfactory - serious further work is required, a repeat course is mandatory		0 - 34